IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R. No. 27 of 1994

Date of decision: 25.01.2007

The Commissioner of Income Tax (Central), Ludhiana .....Applicant

Versus

Shri Pawan Kant, Ludhiana .....Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. S.K.Garg Narwana, Advocate
for the Revenue

Mr. Rohit Sud, Advocate for
Mr. Akshay Bhan, Advocate
for the Assessee

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M.M. KUMAR, J. (Oral)

On the application made by the Revenue, the Tribunal has referred to the following question of law in I.T.A. No. 533/Chandi/1987 for the assessment year 1983-84:-

> " Whether on the facts and in the circumstances of the case, the Income tax Appellate Tribunal was right in law in holding that the property received by the assessee on partial partition and accretion thereto upto 31.03.80 belonged to the assessee's HUF styled M/s Pawan Kant and Sons and that income flowing therefrom was not includible in his 'individual' assessment?"

Learned counsel for assessee has pointed out that the aforementioned question has been answered in favour of the assessee and

against the revenue in I.T.R. No. 7 of 1989 by a Division Bench of this Court.

We have perused the order passed by the Division Bench of this Court in I.T.R. No. 7 of 1989, decided on 30.08.2004 and find that the contention raised by learned counsel for the assessee is meritorious and deserves to be accepted.

The aforementioned position has not been successfully disputed by learned counsel for the revenue.

In view of the above, the question is answered against the revenue and in favour of the assessee.

This reference is , accordingly, disposed of.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

JANUARY 25, 2007
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